

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FRANK KREMPS,

Plaintiff,

v.

Case No: 8:18-cv-837-T-36AEP

MANATEE COUNTY BOARD OF
COUNTY COMMISSIONERS,

Defendant.

ORDER

This matter comes before the Court upon the Defendant's Notice of Suggestion of Party's Death (Doc. 40), Amended Notice of Suggestion of Plaintiff's Death (collectively, the "Notices") (Doc. 41), and Defendant Manatee County's Motion to Dismiss and Supporting Memorandum of Law (Doc. 45). The Notices advise the Court of Plaintiff's death. Docs. 40-41. In the Motion, Defendant requests that this action be dismissed because no substitution has been made following Plaintiff's passing and the time to do so has elapsed. Doc. 45. The Court, having considered the Notices and Motion, and being fully advised in the premises, will grant the Motion and dismiss this action.

I. BACKGROUND

Plaintiff filed this action following the termination of his employment and alleging that Defendant illegally discriminated against him based on age. Doc. 1 ¶¶ 49-52. Plaintiff passed away on July 9, 2019. Doc. 41-1. Defendant filed the Notices, advising the Court of Plaintiff's death, and served a copy of the Amended Notice on Lesley Bongcawel, a/k/a Lesley Kremps, Plaintiff's wife, an interested non-party successor or representative of Plaintiff, on November 14, 2019. Doc. 42 at 3. No further documents were filed on behalf of Plaintiff or his successors.

II. DISCUSSION

Federal Rule of Civil Procedure 25(a)(1) provides that if a motion for substitution “is not made within 90 days after a statement noting the death, the action by or against the decedent must be dismissed.” Ninety days have elapsed since Bongcawel was served and no motion for substitution has been filed. Accordingly, the Court will dismiss this action.

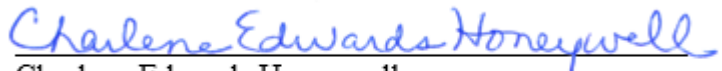
Accordingly, it is ORDERED:

1. Defendant Manatee County’s Motion to Dismiss and Supporting Memorandum of Law (Doc. 45) is **GRANTED**.

2. This action is **DISMISSED**.

3. The Clerk is directed to terminate all pending motions and **CLOSE** this case.

DONE AND ORDERED in Tampa, Florida on March 17, 2020.


Charlene Edwards Honeywell
United States District Judge

Copies to:
Counsel of Record and Unrepresented Parties, if any